IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 3072 of 2007(N)

PETITIONER:

K.SASI,
STORE SUPERINTEENDENT, MEDICAL COLLEGE,
KOTTAYAM,

BY ADV. SRI.K.SASIKUMAR
SRI.SURIN GEORGE IPE

RESPONDENTS:
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1. **DIRECTOR OF HEALTH SERVICES,**
   THIRUVANANTHAPURAM,.

2. **THE SUPERINTENDENT, MEDICAL**
   COLLEGE HOSPITAL, KOTTAYAM.

3. **THE DISTRICT MEDICAAL OFFICER,**
   IDUKKI.

4. **CHACKOCHAN P.C., PHARMACIST STORE**
   KEEPER, MEDICAL COLLEGE HOSPITAL,
   KOTTAYAM.

BY ADV. SRI.JOHN JOSEPH VETTIKAD for R4
SRI.SABU GEORGE
BY GOVT.PLEADER SMT. LAKSHMI RANI for R1 to R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER NO.EE4-5200/07/DHS DTD. 22/01/2007 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: ORIGINAL OF THE ORDER NO.A1.980/07 MCHG DTD. 31/01/2007.

EXT.P3: COPY OF THE ORDER NO.A1/963/07 DTD. 05/02/2007.

4TH RESPONDENT'S EXHIBITS:

EXT.R4(A): COPY OF THE REPORT OF THE TRANSFER OF CHARGE DULY COUNTER SIGNED BY THE SUPERINTEENDENT OF MEDICAL COLLEGE HOSPITAL, KOTTAYAM.

EXT.R4(B): COPY OF THE G.O.(MS) NO.75/85/HD DTD. 28/03/1985.

EXT.R4(C): COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH RESPONDENT BEFORE THE DIRECTOR OF HEALTH SERVICES DTD. 14/11/2006.

EXT.R4(D): COPY OF THE JUDGMENT OF THIS HON'BLE COURT DTD. 20/03/2006 IN WP(C) NO.4175 OF 2006.

EXT.R4(E): COPY OF THE ORDER OF THE SECRETARY TO GOVERNMENT HEALTH AND FAMILY WELFARE (H) DEPARTMENT DTD. 23/05/2006.

/TRUE COPY/

Kss

K.K.DENESAN, J.

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W.P.(C).No.3072 OF 2007-N.

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Dated this the 13th day of February, 2007.

J U D G M E N T

Feeling aggrieved by Ext.P1 order transferring the petitioner from the post of Store Superintendent, Medical College Hospital, Kottayam to the District Medical Office, Idukki as Store Verification Officer, this writ petitioner has been filed. The contentions raised by the petitioner are, (i) he is due to retire from service by the end of May, 2007 and therefore, he could have been accommodated in Kottayam Medical College Hospital itself where a vacancy was available, and (ii) the 4th respondent who was promoted to the post of Store Keeper to that of Stores Superintendent has been posted in the very same place which is not the normal practice. It is contended that normally persons promoted will not be posted in the very same institution or place but a favour has been extended to the 4th respondent and that too by transferring the petitioner from Kottayam to Idukki. The petitioner would submit that when he is directed to work at the fag end of his service career in a different place, it is likely to cause unnecessary delay and problems in the matter of

disbursement of his terminal benefits.

2. Certainly the above contentions raised by the petitioner are based on facts averred by him in the writ petition and supported by materials produced on record. In the normal course these contentions ought to have weighed with the authority which has to take up for consideration the question of transfers and postings. However, for interference by this Court under Article 226 of the Constitution of India with an order of transfer, something more is required to be established, particularly, in a case where the respondent No.4 has also got some grievance to be highlighted in the event of this Court showing inclination to interfere with the order of transfer. It is contended that he had worked in Medical College Hospital, Kottayam only for a period of one year and that he is due to retire from service by the end of June, 2007. The difference in the date of retirement of the petitioner and that of the 4th respondent is only one month and under such circumstances it cannot be said that the 1st respondent had passed Ext.P1 order so arbitrarily as to call for interference. The petitioner has no case that the 1st respondent wanted to cause undue hardship to the petitioner or that the issuance of the impugned order is to harass the petitioner. In

fact, no material is available on record to show that any hostility has been shown to the petitioner by the 1st respondent. Therefore, the order impugned is a usual order passed by an authority which is entrusted with the task of transferring and posting incumbents from one place to another in the wake of promotions of certain incumbents and consequential postings of others. I am, therefore, not able to grant reliefs to the petitioner, as prayed for in this writ petition. If the petitioner is able to point out any other vacancy in Kottayam district before he retires from service, his request shall be considered with the sympathy it deserves.

Subject to the above observation, the writ petition is dismissed.

K.K.DENESAN, JUDGE.

kvs/-